

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PRISM TECHNOLOGIES, LLC, )  
                                  )  
Plaintiff,                 )                           8:12CV122  
                                  )  
v.                            )  
                                  )  
AT&T MOBILITY, LLC,         )                           MEMORANDUM AND ORDER  
                                  )  
Defendant.                 )  
                                  )  
\_\_\_\_\_

This matter is before the Court on a number of motions.

First, a new joint stipulation on motions in limine (Filing No. [450](#)) has been submitted. The Court will approve and adopt the stipulation.

Second, plaintiff Prism renews its motion in limine number 11 from a previous motion (Filing No. [448](#)). Because Prism no longer seeks to assert willfulness or induced infringement, the Court will reconsider the motion in limine in question. That motion in limine states the following: Neither party may refer to changes to the parties' infringement and/or invalidity contentions, for example, claims, accused elements and prior art that is no longer asserted (Filing No. [449](#), at 2). The Court will grant the plaintiff's motion.

Third, defendant AT&T and plaintiff Prism have traded objections over proposed jury instructions (Filing No. [444](#),

Filing No. [445](#), Filing No. [446](#)). The Court will defer consideration of these objections.

Fourth, defendant AT&T has filed an emergency motion to compel (Filing No. [435](#)). This motion will be denied.

Fifth, defendant AT&T has filed an emergency motion to preclude Prism's untimely and improper alternative damages theory and new damages evidence, or in the alternative, to continue the trial date and reopen discovery on damages (Filing No. [441](#)). The motions will be denied.

Sixth, plaintiff Prism renews its objections to Ms. Davis' testifying at trial (Filing No. [462](#)). After review of the several filings on this topic (Filing No. [252](#), Filing No. [410](#), Filing No. [425](#), Filing No. [462](#)), the Court will allow Ms. Davis to testify.

IT IS ORDERED:

- 1) The parties' joint stipulation (Filing No. [450](#)) is approved and adopted.
- 2) Plaintiff's motion (Filing No. [448](#)) is granted.
- 3) The Court defers consideration on objections (Filing No. [444](#), Filing No. [445](#), Filing No. [446](#)).
- 4) Defendant's motion to compel (Filing No. [435](#)) is denied.

5) Defendant's motion to preclude Prism's untimely and improper alternative damages theory and new damages evidence, or in the alternative, to continue the trial date and reopen discovery on damages (Filing No. [441](#)) is denied.

6) Plaintiff's objections to Ms. Davis' testifying at trial (Filing No. [462](#)) are denied. Her testimony must be limited per this Court's order (Filing No. [425](#)).

DATED this 20th day of October, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court